

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VIRGINIA CHAPPELL,

Plaintiff,

v.

THE HORSHAM TOWNSHIP POLICE
DEPARTMENT, et al.

Defendants.

CIVIL ACTION
NO. 16-2650

ORDER

AND NOW, this 21st day of February 2017, upon consideration of Plaintiff's Second Amended Complaint (Doc. No. 12), Defendants' Motion to Dismiss (Doc. No. 11), Defendants' Supplemental Brief (Doc. No. 16), and Plaintiff's Response to Defendants' Motion to Dismiss (Doc. No. 18), and for the reasons set forth in the Opinion of the Court issued this day, it is **ORDERED** that Defendants' Motion to Dismiss (Doc. No. 11) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Plaintiff's claims against Chief William J. Daly in his individual and official capacity are **DISMISSED**.
2. Plaintiff's claims against Officer Jeffrey Woodruff, Officer Andrew Nisbet, Officer Jose Ortiz, and Lieutenant K. John Potts in their official capacities are **DISMISSED**.
3. Defendants' Motion to Dismiss (Doc. No. 11) is **DENIED** with respect to Plaintiff's Fourth Amendment claims in Count I against Officer Woodruff, Officer Nisbet, Officer Ortiz, and Lieutenant Potts in their individual capacities.

4. Defendants' Motion to Dismiss (Doc. No. 11) is **GRANTED** with respect to the substantive due process claim in Count I of Plaintiff's Second Amended Complaint (Doc. No. 12);
5. Defendants' Motion to Dismiss (Doc. No. 11) is **GRANTED** on Counts II and III of Plaintiff's Second Amended Complaint (Doc. No. 12);
6. Defendants' Motion to Dismiss (Doc. No. 11) is **DENIED** with respect to Plaintiff's negligence claims in Counts IV and V against the Horsham PD, and Plaintiff's conversion claims in Count VI against Officer Woodruff, Officer Nisbet, Officer Ortiz, and Lieutenant Potts in their individual capacities.
7. Defendants are **ORDERED** to file an Answer to Plaintiff's remaining claims within fourteen (14) days from the entry of this Order.

BY THE COURT:

/s/ Joel H. Slomsky, J.
JOEL H. SLOMSKY, J.